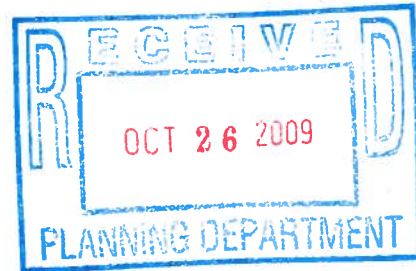


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BY HAND DELIVERY

October 26, 2009

Stephen Gardner
Project Manager
Department of Planning
1 Harrison Street, S.E., 3rd Floor
Leesburg, Virginia 20177-7000



RE: ZCPA 2006-0003/ZMAP 2006-0011, Stone Ridge Commercial

Dear Stephen:

This letter includes our response to the OTS comments regarding the June 16th submission of the Application and to the outstanding issues noted in the October 15th staff report.

Enclosed with this submission are three copies each of the revised Statement of Justification, the draft proffer statement and a comparison with the last version of the proffers submitted for review. Three copies of the revised Application plan set will be delivered to you under separate cover.

The staff comments are summarized below (noted in *Italics*) and followed by our response.

Office of Transportation Services (comments dated 9/29/09)

1. *OTS appreciates the revised layout to connect Southpoint Drive from its existing terminus west to Millstream Drive and understands that the Applicant has no objection to the potential future vacation of the segment of existing Gum Spring Road between Southpoint Drive and Tall Cedars Parkway, but notes that any future vacation of this roadway is dependent, in part, on the availability of alternate access to all adjacent parcels on the west side of the West Spine Road.*

Comment acknowledged.

2. *OTS staff understands the uncertainty regarding the timing of future road improvements in this immediate vicinity, and appreciates the Applicant's response that it will comply with all applicable VDOT requirements at the time Southpoint Drive is extended to Gum Spring Road. However, OTS recommends that a proffered commitment to this effect (i.e., necessary turn lanes and signalization) be included with these applications, along with a timing mechanism to ensure that the roadway will be available to serve the development proposed within Landbays FF1A and FF2B.*

To address this matter, the Applicant has added Proffer II.B.8. to provide for the Phase 2 extension of Southpoint Drive to Gum Spring Road only after a four-lane divided West Spine Road is constructed from Tall Cedars Parkway to Route 50 and is open to traffic. This proposed

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phasing of Southpoint Drive will simplify traffic patterns and needed improvements as the opening of the West Spine Road will require the closure of the adjacent portion of Gum Spring Road as a through street. In addition, Proffer II.B.8. provides for Phase 1 of the extension of Southport Drive to be constructed in conjunction with the development of either Land Bay FF1A or FF2B.

3. OTS appreciates the Applicant's traffic study update with respect to the Gum Spring Road/Route 50 LOS and has no further comments on this issue. Issue resolved.

Comment acknowledged.

4. According to County records (LMIS), CPAP 2007-0135 was approved by the County on May 8, 2009. Issue resolved.

Comment acknowledged.

5. OTS acknowledges the continuing proffered commitment for regional transportation improvements. Issue resolved.

Comment acknowledged.

6. The revised applications no longer propose an extension of Millstream Drive to Route 659 Relocated. Issue resolved.

Comment acknowledged.

7. The revised applications no longer propose additional residential units beyond previous approvals. Issue resolved.

Comment acknowledged.

8. The revised applications no longer propose additional residential units beyond previous approvals. Issue resolved.

Comment acknowledged.

9. The proffer comparison included in the June 16, 2009 traffic study is provided as Attachment 11 of the traffic study. Issue resolved.

Comment acknowledged.

10. The current and/or previous proffer Statements for Stone Ridge contain specific commitments for many of the on-site "proffered" and "site" improvements shown in Attachment 10 of the traffic study. However, two items do not appear to be addressed, namely (1) a commitment to construct an additional lane on northbound Stone Springs Boulevard at Route 50, and (2) a commitment to construct necessary improvements at the future intersection of

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Southpoint Drive at Gum Spring Road at the time the connection is made; this is particularly relevant if the connection is made while Gum Spring Road is still open to through traffic. OTS recommends that such commitments be included in the current proffer statement.

With respect to the construction of an additional lane on northbound Stone Springs Boulevard at Route 50, we have added Proffer II.B.4.(e) to provide for such lane. With respect to the intersection of Southpoint Drive and Gum Spring Road, we have added Proffer II.B.8. to provide for the phased construction of Southpoint Drive to avoid conflicts with existing Gum Spring Road.

11. OTS staff appreciates the commitment for traffic signal warrant analysis at the intersection of Millstream Drive and Stone Springs Boulevard the commitment for a \$250,000 contribution if the signal is warranted. However, OTS staff recommends that the proffer language be revised to state that the signal be installed by the Applicant concurrent with the development of Landbay EE2A, if warranted at that time. If not warranted at that time, a total of \$300,000 (the County's current cost of a four-by-four signal) should be contributed toward future design, construction and installation of the signal.

Proffer II.F.3. commits to a warrant analysis, construction of the signal if warranted, or a contribution of \$250,000 if not warranted. In discussions with OTS staff, it was agreed that a reasonable cost estimate for this signal is \$265,000 and, inasmuch as the County has received commitments from others for \$15,000 for this signal, that the Applicant would commit to fund the balance of \$250,000.

OTS staff also recommends that the Applicant conduct a signal warrant analysis at the intersection of Stone Springs Boulevard and Tall Cedars Parkway, install a signal if warranted, or if a signal is not warranted, contribute the County's current cost (\$300,000) of future design, construction, and installation of a signal at this intersection.

In the event this signal has not been constructed or has not been obligated to be constructed by others prior to certain triggers, which include a residential unit count trigger, Proffer II.F.4. commits to a warrant analysis, construction of the signal if warranted, or a contribution of \$300,000 if not warranted. A memo by Wells & Associates is enclosed that provides the justification for the proposed residential unit count trigger.

12. The revised applications no longer include Landbay 9 and its proposed access to Route 50. Issue resolved.

Comment acknowledged.

13. The revised applications no longer propose an alternative private access to Route 50 for previously proposed Landbay 9. Issue resolved.

Comment acknowledged.

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14. OTS staff appreciates the Applicant's explanation that the proposed half-section for Route 659 Relocated (Northstar Boulevard) is consistent with improvements proffered with approved rezonings to the south. The Applicant should include language in the proffer statement acknowledging responsibility for maintenance of all public roads on site until the roads are accepted into the VDOT system. Issue resolved, subject to inclusion of such language.

We respectfully point out that developer maintenance of constructed public streets until accepted by VDOT is a bonding requirement for all public streets. Nevertheless, language has been added to Proffer II.B. to address this comment.

15. OTS has no objection to the realignment of Millstream Drive as proposed with these applications. Issue resolved.

Comment acknowledged.

16. OTS recommends that the proffer language for the commuter parking lot be revised to state that a minimum of 100 spaces be allowed on the site, so that additional spaces may be constructed with Public Use Site #4 as site constraints and funding allow. OTS staff appreciates the Applicant's efforts in this regard.

Proffer III.G.4. has been revised as recommended.

October 15, 2009 Staff Report Outstanding Issues

1. Include architectural design standards for Office uses proposed in Land Bay FF2A.

As discussed with staff, Land Bay FF2A contains only the office/library building for which building plans have been approved and ground-breaking will occur on November 7th. The design of this building was coordinated with County and Library staff over the past three years. No other buildings will be constructed in this land bay.

2. Specify in the Proffers that PD-OP Land Bay FF2B will be developed to a minimum Floor Area Ratio (FAR) in a manner that is balanced with residential uses.

Proffer I.E.2. has been revised to commit to a minimum floor area of 120,000 square feet in Land Bay FF2B. It is also noted that, opposed to the decrease in overall employment square footage reported by staff, the Applicant has verified that the overall employment square footage within Stone Ridge will increase by 133 square feet with this application.

3. Proffer language should be included and/or revised to provide greater protection and preservation of Tree Conservation (TCA) and Steep Slopes applicable to a riparian corridor adjacent to Land Bays 7 and 8.

Proffer II.B.6. addresses the protection of steep slopes and Proffer VI.G. has been revised to address the TCA preservation comment.

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4. Modifications # 1 and # 4 which proposed the reduction of required yards associated with the PD-IP Land Bay DD and the reduction of required open space associated with residential Land Bays 5R and 6 cannot be supported.

Upon further discussions with Zoning staff, it has been determined that the proposed development of Land Bays DD, 5R and 6 do not require the referenced ZMODs. The Application has been revised to delete these ZMODs. It should also be noted that, in response to Planning Commission comments, Proffer I.E.1.c. has been added to delete certain PD-IP uses that might not be compatible with the adjacent residential uses.

5. The "Density Exchange Table" located on Sheet 5 of the Concept Development Plan should be reformatted to provide greater clarity.

A revised Density Exchange table is provided on Sheet 5.

6. All future improvements noted by the Traffic Impact Study necessary to realize the stated Levels of Service (LOS) should be constructed.

Proffer II.B.4.(e) has been added to address the northbound lane improvements on Stone Springs Boulevard at Route 50, and Proffer II.B.8. has been added to address the phased construction of the extension of Southpoint Drive.

7. Provide signalization of the following intersections: 1) Stone Springs Boulevard / Tall Cedars Parkway; and 2) Stone Springs Boulevard / Millstream Drive.

Proffers II.F.3 and 4 address the signalization of Stone Springs Boulevard at Millstream Drive and at Tall Cedars Parkway.

8. Extend the pedestrian network to include a shared-use trail along Tall Cedars Parkway through Land Bay 1.

There is no commitment by anyone to construct Tall Cedars west of Northstar Boulevard (i.e., through Land Bay 1). Existing Proffer II.B.2. requires the dedication of a 120-foot wide right-of-way for this portion of Tall Cedars, which would be wide enough for such a shared-use trail. Nevertheless, this proffer has been revised to also provide a trail easement outside of the dedicated right-of-way in the event a trail cannot be accommodated within the dedicated right-of-way.

9. Submit an appraisal for Public Use Sites # 3 and # 4.

Appraisals dated September 28, 2009 have been submitted to staff.



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We believe this response letter, the draft proffers, the revised Statement of Justification and the amended Application plans address all remaining staff comments. We look forward to the Planning Commission work session on November 12th.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley Godward Kronish LLP

A handwritten signature in black ink, appearing to read "Jeffrey A. Nein".

Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosures

cc: Roy R. Barnett, Van Metre Companies
Brian Martin, P.E., Urban, Ltd.
Antonio J. Calabrese, Esq., Cooley Godward Kronish LLP

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